

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wayne G. Sainty et al.      Group Art Unit : 2881  
Serial No. : 10/577,421      Examiner : Maskell, Michael P.  
Filed : 04/27/2006      Attorney Docket : ST005US  
Title : Ion source control system

Honorable Commissioner of Patents and Trademarks  
Alexandria, VA 22313-1450

## PETITION UNDER 37 CFR 1.47

The Applicant hereby petitions the Commission of Patents and Trademarks to allow the application to proceed with a non-signing inventor. The pertinent facts supporting this petition are as follows:

the non-signing inventor is William Waller;

Mr Waller began as an employee of Saintech Pty Ltd in August 2002;

Mr Waller made contributions to an invention titled "Ion Source Control System" (hereafter "the Invention");

an Australian Provisional Patent Application (AU 2003906001) in respect of the Invention was filed on 31 October 2003;

an assignment of all rights in the Invention to Saintech Pty Ltd was executed by Mr Waller on 22 January 2004;

Mr Waller ceased employment with Saintech Pty Ltd in February 2004;

no correspondence has been received from Mr Waller since approximately December 2004;

US Application Serial No. 10/577,421 claiming priority to Australian Provisional Patent Application AU2003906001 via PCT/AU2004/001082 was filed on 27 April 2006;

04/10/2008 PCHOMP1 00000005 10577421

01 FC:1463

200.00 OP

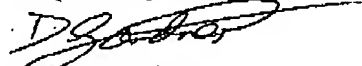
at the time of filing US 10/577,421 attempts were made to contact Mr Waller at his last known address 35A Pomona Street, Pennant Hills, NSW 2120, Australia but no return correspondence was received;

further attempts to contact Mr Waller were made in January 2008, including phone calls to his last known phone number and searches of telephone directories for the state of NSW and Queensland.

A copy of the assignment dated 22 January 2004 is enclosed herewith.

Authorization to charge the \$200 petition fee to a credit card (Form PTO-2038) is enclosed herewith.

Respectfully submitted



Darren Gardner  
Reg. No. 54,113  
Agent for Applicant

Saintech Pty Ltd  
PO Box 3042  
Monash Park 2111  
Australia

9 April 2008

**THIS AGREEMENT** made this    **22nd**   day of **January, 2004**

**BETWEEN**

William Waller, of c/- Unit 6, 43 College Street, Gladesville, New South Wales,  
2111, Australia ("the Assignor")

**AND**

Saintech Pty Limited (ACN 086 520 809), of Unit 6, 43 College Street,  
Gladesville, New South Wales, 2111, Australia ("the Assignee")

**RECITALS**

- A.    The Assignor is an inventor of an invention titled "Ion source control system" ("the Invention").
- B.    The Assignor and the Assignee have agreed to the transfer to the Assignee of the rights and interests of the Assignor in the said Invention.
- C.    Pursuant to the said agreement the Assignee has filed an Australian Provisional Patent application no. 2003906001 titled "Ion source control system" dated 31 October, 2003.
- D.    The parties desire to record and reduce to writing the said agreement.

**AGREEMENT**

- 1.    In consideration of the sum of ten Australian dollars (\$10.00) paid by the Assignee, the receipt and sufficiency of which the Assignor hereby acknowledges, the Assignor hereby assigns to the Assignee all his rights in and title to the said Invention and with full power to apply for and obtain patent or other protection in respect of the Invention in Australia and elsewhere.

2. The Assignor will execute and do all such documents and things as may be necessary or proper for legally vesting in the Assignee or its assigns the full benefit of the invention, including the right to apply for patent or other protection in respect of the Invention and to be constituted the lawful assignees of the Invention in any part of the world.

Executed by the parties on the first date mentioned above :

SIGNED by the said  
William Waller  
In the presence of

*[Signature]*

11

William V Waller  
William Waller

SIGNED for and on behalf of  
SAINTECH PTY LIMITED

•  
•  
•  
•

Signature W. J. Sainty

Wayne Gregory Sainty  
(Full name of signatory)

By his signature of this Agreement the Signatory warrants he is duly authorized by Saintech Pty Ltd to sign this Agreement on its behalf.

  
Signature of Witness